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SEPARATIONS

EMPLOYMENT REVIEW BOARD

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1. The Director of Central Intelligence is empowered to terminate the employment of any officer or employee of the Agency whenever he deems such action necessary or advisable in the interests of the United States. Termination action under this authority, quoted below, is within the sole discretion of the Director of Central Intelligence, and no appeals procedure is provided for by law.

"Notwithstanding the provisions of section 6 of the Act of August 24, 1912, (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall

not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

2. GENERAL

This regulation states the statutory authority and normal procedures for effecting termination of Agency employees through the exercise of the special authority described in paragraph 1. The Director may, however, at his discretion exercise his statutory authority without conforming to the procedures outlined herein when in his opinion special circumstances justify such action. In those cases of employees with respect to whom information is developed indicating that continued employment in the Central Intelligence Agency is not clearly consistent with the interests of national security, such cases shall be handled in accordance with [REDACTED] provided that as determined by the Director of Central Intelligence or the Deputy Director of Central Intelligence, those cases in which such information is of a sensitive security nature or in which the presentation of such information to a Board as provided in [REDACTED] would necessarily involve improper disclosure of intelligence sources or methods shall be handled in accordance with the provisions of this Regulation. In addition, those cases of employees with respect to whom there is justification to determine whether their general suitability for employment in the Central Intelligence Agency makes termination necessary or advisable in the interests of the United States shall be handled in accordance with this Regulation.

3. RESPONSIBILITIES

√a. EMPLOYMENT REVIEW BOARD

In every case the Employment Review Board will advise the Director of Central Intelligence on the just and equitable exercise of this authority.7

b. DEPUTY DIRECTOR (ADMINISTRATION)

The Deputy Director (Administration) shall have the over-all responsibility for the proper administration of the provisions of this Regulation. Communication with the Office of the Director on matters governed by this Regulation shall be through his Office.

4. EMPLOYMENT REVIEW BOARD

a. MEMBERSHIP

The Employment Review Board shall be composed of not less than three senior Agency officials as voting members. The General Counsel, or his representative, shall serve as an advisor without vote and as Recording Secretary. The Director of Security, or his representative, shall serve as an advisor without vote in all cases where security factors are involved.

b. APPOINTMENT

The Deputy Director of Central Intelligence shall designate the membership of the Board to sit in each case and the member who shall function as Chairman. In the absence of the Deputy Director of Central Intelligence, the Board will be designated by the

Assistant Director for Personnel or the Deputy Assistant Director for Personnel.

c. MEETINGS

The Employment Review Board will meet at the call of the Chairman. The Chairman is responsible for the timely completion of the case.

5. PROCEDURES

a. INITIATION

The Deputy Director (Intelligence), Deputy Director (Administration), Deputy Director (Plans), Director of Training, and Assistant Director for Communications may refer cases of any employee under their jurisdiction directly to the Assistant Director for Personnel with a recommendation for consideration by the Employment Review Board.

b. INITIAL REVIEW

[With the advice of the Director of Security,] the Assistant Director for Personnel, [except in those cases referred for the consideration of an Employment Review Board by the Director of Security as provided for in 5.c. below] will with the advice of the Director of Security when security factors are involved review those cases referred to him to determine whether they should be referred to the Employment Review Board, or whether other separation procedures or administrative actions would be more appropriate and shall submit his recommendations to the Director.

c. REFERRAL BY THE DIRECTOR OF SECURITY

The Director of Security may refer any case arising within the scope of his functions through the Assistant Director for Personnel and the General Counsel to the Director of Central Intelligence or the Deputy Director of Central Intelligence for the consideration of an Employment Review Board.

d. ACTION BY THE DIRECTOR OF CENTRAL INTELLIGENCE OR THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

Based on recommendations by the referring officials, the Director of Central Intelligence or the Deputy Director of Central Intelligence shall make a final determination as to whether that the case should be processed under the provisions of this Regulation and will also determine approve whether the employee shall be permitted to remain in a work status or shall be placed in a leave status or shall be suspended without pay. Under special circumstances the Director of Central Intelligence may direct or approve such suspension action as he deems warranted without regard for the procedures provided for in this Regulation.⁷

e. NOTICE TO SUPERVISORS THE EMPLOYEE

The Assistant Director for Personnel will be advised of the action taken, and if an Employment Review Board is to consider the case, the Assistant Director for Personnel will personally notify the Deputy Director (Plans), the Deputy Director (Intelligence), the Deputy Director (Administration), the Director of Training, or the Assistant Director for Communications, whichever is concerned, verbally or in writing, of the action initiated.

f. CHARGES - NOTICE TO EMPLOYEE

Written notice of the action involving the employee will be pre-
pared by the Director of Security or the Assistant Director for
Personnel, as appropriate, in collaboration with the General Coun-
sel and furnished to the employee by the Assistant Director for
Personnel by personally delivering to the employee such notice
where possible with acknowledgement of receipt being obtained on
a carbon copy of the notice, or if such delivery is not possible
the notice may be mailed to the employee at his home address by
registered mail, return receipt requested. Such notice will con-
tain but shall not necessarily be limited to the following infor-
mation:

- (1) That information has been presented to the Employment Review Board indicating the possibility of his termination under the provisions of the law quoted in paragraph 2 of this Regulation.
- (2) That his case will be considered by the Board within ten days from the date of notification, or as soon as possible thereafter. If an extension of the time limit is necessary, the employee will forward a request justifying such an extension to the Assistant Director for Personnel.
- (3) That he may submit to the Assistant Director for Personnel a written statement to be considered by the Board or a request to appear in person before the Board, or both. All statements submitted in writing shall be notarized, and all testi-

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mony given before the Board shall be under oath or affirmation.

- (4) That the employee may submit for consideration his resignation [voluntarily] at any time prior to the Director's action, or, if authorized by the Director, within 48 hours after an unfavorable decision by the Director.
- (5) Statement of the basis for consideration by the Board of the employee's case in as specific a manner as circumstances permit.
- (6) That inquiries in connection with the notice or his reply should be submitted to the Assistant Director for Personnel.
- (7) The status of the employee with respect to leave, normal duty status, or suspension without pay.

g. PREPARATION OF STATEMENT TO EMPLOYEE OF BASIS FOR BOARD ACTION

Upon notification from the Assistant Director for Personnel that an Employment Review Board is to consider a case, appropriate statement will be prepared for incorporation in the notice to employee, specifying in as much detail as circumstances permit the information on which the case to be considered is based. Such statement will be prepared by the Director of Security or the Assistant Director for Personnel as may be appropriate in collaboration with the Office of the General Counsel.⁷

h. PERSONAL APPEARANCE

If the employee desires to make a personal appearance before the Board, the schedule of appearances will be arranged by the Office of

Personnel with the Recording Secretary of the Board.⁷

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1. RECORD OF BOARD PROCEEDINGS

A verbatim transcript of the Board's proceedings will be made in every case and will include any written material submitted by the employee as well as full transcript of the testimony of any employee or witness appearing before the Board. Such transcripts shall accompany the Board's recommendations to the Director.

6. BOARD RECOMMENDATIONS

The Board will give full consideration to each case, including voluntary written or verbal statements of individuals concerned and such additional evidence as may be deemed necessary and prepare a written recommendation to the Director. The recommendation will be signed by each voting member of the Board, noting concurrence or nonconcurrence in each case. Any member or advisor may append an individually signed comment.

7. FINAL ACTION

a. FINAL DECISION

The complete record of each case considered by the Board will be attached to the Board's recommendations to the Director. The Director's decision in each case shall be final.

b. RESTORATION TO DUTY

If the employee concerned is restored to duty, whether in the position held by him at the initiation of proceedings hereunder, or to another position, he shall be paid for any period when he was not in receipt of salary during such proceedings and any leave used shall be restored.

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c. RESIGNATION

submits his resignation
If the employee concerned elects to resign prior to completion of the case, the Recording Secretary of the Board will be notified immediately.

d. REMOVAL

If the Director's decision in the case is to terminate employment and the employee does not elect to resign or his resignation is not accepted Standard Form 50, Notification of Personnel Action (or SF-52 as appropriate) will be prepared by the Office of Personnel. This form will show Nature of Action as "Removal" and the authority as "By order of the Director of Central Intelligence. Subparagraph (c), section 102, National Security Act of 1947." There will be no amplification in the "Remarks" section.

e. REPORT TO THE CIVIL SERVICE COMMISSION

When the termination is accomplished, as outlined in paragraph d. above, the Office of Personnel will notify the U. S. Civil Service Commission, by letter, of the action taken. This report will not be made if the individual 's resignation is accepted.
elects to resign.

ALLEN W. DULLES
Director of Central Intelligence

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